

**REMARKS**

In accordance with the foregoing, claims 1-9, 11-30, 32-35, 37-45, 47 and 49-55, being all the previously pending claims, have been cancelled without prejudice or disclaimer. New claims 56-63 have been added, thus claims 56-63 are now pending and under consideration. No new matter is included in this Amendment.

**The 35 U.S.C. §103(a) Rejection:**

Claims 1, 7, 9, 11-14, 19, 20, 25, 33, 35, 37, 38, 45, 47 and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,537,373 to Horikiri. All of the rejected claims have been cancelled, thus the rejection of claims 1, 7, 9, 11-14, 19, 20, 25, 33, 35, 37, 38, 45, 47 and 55 is moot.

**New Claims 56-63**

New claims are drawn to the recording medium illustrated in FIG. 3, the apparatus of FIG. 7 when using the recording medium illustrated in FIG. 3 and a method of controlling using the recording medium illustrated in FIG. 3. Claims 56-59 are directed to the recording medium, claims 60 and 61 are directed to the apparatus and claims 62 and 63 are directed to the method.

Regarding claim 56, Horikiri does not disclose that "the first and second wobbles of each individual groove track are out of phase with respect to each other and in phase with the first and second wobbles, respectively, of a next individual groove track," as claimed in claim 56.

Regarding claim 57, Horikiri does not disclose that 57 the first and second wobbles of each individual groove track are out of phase by  $\pi$  with respect to each other, and the first and second wobbles of each individual land track are out of phase by  $\pi$  with respect to each other," as claimed in claim 57.

Regarding claim 58, Horikiri does not disclose that "the first and second wobbles of each individual land track are "in phase with the first and second wobbles, respectively, of a next individual land track," as claimed in claim 58.

Regarding claim 59, Horikiri does not disclose that 57 the first and second wobbles of each individual land track are out of phase by  $\pi$  with respect to each other, and the first and second wobbles of each individual groove track are out of phase by  $\pi$  with respect to each other," as claimed in claim 57.

Regarding claims 60 and 61, Horikiri does not disclose a combination comprising "a

wobble signal detector which detects the PID and a wobble signal from one of the first and second light signals; a wobble signal determiner which determines whether the wobble signal corresponds to a land or a groove based on determining a phase of the wobble signal and which of the first and second light signals includes the wobble signal, and outputs a determination signal; and a controller which generates a control signal to control a servo for moving the pickup unit based on the determination signal, the detected wobble signal, and the detected PID," as claimed in claims 60 and 61.

Regarding claims 62 and 63, Horikiri does not disclose a method comprising "detecting first and second light signals reflected from the optical recording medium; detecting the PID and a wobble signal from one of the first and second light signals; determining whether the wobble signal corresponds to a land or a groove based on determining a phase of the wobble signal and which of the first and second light signals includes the wobble signal, and outputting a determination signal; and generating a control signal to control a servo for moving the pickup unit based on the determination signal, the detected wobble signal, and the detected PID," as claimed in claim 62-63.

### **Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8(a)**  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 8, 2003  
By: Manuel Torg  
Date: 9-8-03